

## JOURNAL OF THE HOUSE

## Sixty-seventh Legislative Assembly

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Bismarck, February 4, 2021

The House convened at 1:00 p.m., with Speaker K. Koppelman presiding.

The prayer was offered by Pastor Jim Ellis, Bismarck Community Church, Bismarck.

The roll was called and all members were present except Representatives Brandenburg, Dobervich, Headland, and Kempenich.

A quorum was declared by the Speaker.

## REQUEST

**REP. MAGRUM REQUESTED** that amendments to HB 1175 be heard separately, which request was granted.

## SIXTH ORDER OF BUSINESS

**HB 1175: REP. NEHRING (Industry, Business and Labor Committee) MOVED** that the amendments on HJ page 469 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## SIXTH ORDER OF BUSINESS

**SPEAKER K. KOPPELMAN DEEMED** approval of the amendments to HB 1205, HB 1288, HB 1296, HB 1301, HB 1352, HB 1358, HB 1464, and HB 1471.

HB 1288 and HB 1358, as amended, were rereferred to the **Appropriations Committee**.

HB 1205, HB 1296, HB 1301, HB 1352, HB 1464, and HB 1471, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. LOUSER MOVED** that HB 1266 be returned to the House floor from the **Political Subdivisions Committee** for the purpose of withdrawal, which motion prevailed on a voice vote.

## REQUEST

**REP. BOSCHEE REQUESTED** the unanimous consent of the House to withdraw HB 1266. There being no objection, it was so ordered by the Speaker.

## MOTION

**REP. LOUSER MOVED** that HB 1352 and HB 1301, which are on the Eleventh order on the calendar for the succeeding legislative day, be placed after HB 1469 on the Eleventh order on today's calendar for immediate and final passage, which motion prevailed on a voice vote.

## CORRECTION AND REVISION OF THE JOURNAL

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Bellew, Chairman)** has carefully examined the Journal of the Nineteenth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 435, after line 10 insert "Page 30, line 14, after the underscored semicolon insert "or""

Page 440, after line 37 insert "Page 99, remove line 2"

Page 440, line 38, remove "after"

Page 440, line 38, replace "insert:" with "replace the underscored period with "; or"

Page 440, line 39, remove the quotation mark

**REP. BELLEW MOVED** that the report be adopted, which motion prevailed on a voice vote.

#### REPORT OF DELAYED BILLS COMMITTEE

**MR. SPEAKER:** Your **Delayed Bills Committee (Rep. Pollert, Chairman)** has unanimously approved the introduction of a bill for an Act to create and enact a new subsection to section 39-04-37, a new subdivision to subsection 2 of section 39-06.1-06, and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the amount of statutory fees, entries against driving record, and moving violations; to amend and reenact section 39-04-55, subsections 2 and 4 of section 39-05-17, section 39-06-16, subdivision f of subsection 2 of section 39-06.1-06, subsection 1 of section 39-06.1-08, section 39-06.1-09, subsection 2 of section 39-10-26, subsections 1 and 2 of section 39-10-38, and section 39-21-15 of the North Dakota Century Code, relating to the amount of statutory fees and moving violations; and to provide a penalty.

The bill will be HB 1502.

#### SECOND READING OF HOUSE BILL

**HB 1320:** A BILL for an Act to create and enact a new section to chapter 23-07 of the North Dakota Century Code, relating to limitations on vaccinations requirements; to amend and reenact subsection 2 of section 15.1-23-02 and section 23-01-05.3 of the North Dakota Century Code, relating to immunization records and data; and to repeal section 23-07-17.1 of the North Dakota Century Code, relating to immunizations required for entry to school or day care.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 84 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Christensen; Ertelt; Hoverson; Magrum; Paulson; Simons; Skroch; Toman

**NAYS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Delzer; Devlin; Dobervich; Dockett; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; O'Brien; Ostlie; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Trotter; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**ABSENT AND NOT VOTING:** Headland; Nelson, M.

HB 1320 failed.

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#### SECOND READING OF HOUSE BILL

**HB 1306:** A BILL for an Act to provide for a legislative management study of the interrelationship between sudden infant death syndrome, vaccines, and autism spectrum disorder in children.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 82 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Christensen; Ertelt; Fisher; Hoverson; Kasper; Koppelman, B.; Magrum; Marschall; Simons; Skroch; Toman

**NAYS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Delzer; Devlin; Dobervich;

Dockter; Fegley; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**ABSENT AND NOT VOTING:** Headland

HB 1306 failed.

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### SECOND READING OF HOUSE BILL

**HB 1377:** A BILL for an Act to create and enact a new section to chapter 23-07 of the North Dakota Century Code, relating to immunization exemptions.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 72 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Becker; Bellew; Christensen; Ertelt; Fisher; Hoverson; Kempenich; Koppelman, B.; Magrum; Marschall; Nehring; Paulson; Ruby, D.; Ruby, M.; Schatz; Simons; Skroch; Toman; Tveit; Vetter; Speaker Koppelman, K.

**NAYS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Trottier; Vigesaa; Weisz; Westlind; Zubke

**ABSENT AND NOT VOTING:** Headland

HB 1377 failed.

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### SECOND READING OF HOUSE BILL

**HB 1307:** A BILL for an Act to prohibit public accommodations from refusing services to an individual because the individual has not been vaccinated; and to provide a penalty.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 24 YEAS, 68 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Christensen; Damschen; Ertelt; Fisher; Hoverson; Kading; Kasper; Koppelman, B.; Magrum; Marschall; Meier; Monson; Nehring; Paulson; Rohr; Schatz; Schauer; Schmidt; Simons; Skroch; Steiner; Tveit; Vetter; Speaker Koppelman, K.

**NAYS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Delzer; Devlin; Dobervich; Dockter; Fegley; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Karls; Keiser; Kempenich; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; Mitskog; Mock; Nathe; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schneider; Schobinger; Schreiber-Beck; Stemen; Strinden; Thomas; Toman; Trottier; Vigesaa; Weisz; Westlind; Zubke

**ABSENT AND NOT VOTING:** Headland; Kiefert

HB 1307 failed.

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### SECOND READING OF HOUSE BILL

**HB 1468:** A BILL for an Act to create and enact a new section to chapter 23-12 of the North Dakota Century Code, relating to informed consent and notice of risks associated with vaccines; and to provide a penalty.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 46 YEAS, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Becker; Bellew; Christensen; Damschen; Ertelt; Fisher; Hatlestad; Hoverson; Jones; Kading; Kasper; Kempenich; Kiefert; Koppelman, B.; Louser; Magrum; Marschall; Meier; Monson; Nehring; Nelson, M.; Owens; Paulson; Paur; Richter; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schauer; Schmidt; Schobinger; Simons; Skroch; Steiner; Stemen; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Speaker Koppelman, K.

**NAYS:** Adams; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Delzer; Devlin; Dobervich; Dockter; Fegley; Guggisberg; Hager; Hager; Hanson; Headland; Heinert; Howe; Ista; Johnson, D.; Karls; Keiser; Klemin; Kreidt; Lefor; Longmuir; Martinson; Mitskog; Mock; Nathe; Nelson, J.; O'Brien; Ostlie; Pollert; Porter; Pyle; Roers Jones; Sanford; Schneider; Schreiber-Beck; Strinden; Weisz; Westlind; Zubke

**ABSENT AND NOT VOTING:** Johnson, M.

Engrossed HB 1468 failed.

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### SECOND READING OF HOUSE BILL

**HB 1469:** A BILL for an Act to amend and reenact section 23-07-17.1 of the North Dakota Century Code, relating to exemptions from vaccine requirements before admission to school; and to provide an appropriation.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 14 YEAS, 80 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, P.; Boe; Boschee; Buffalo; Dobervich; Guggisberg; Hager; Hanson; Ista; Mitskog; Mock; Nelson, M.; Schneider

**NAYS:** Anderson, B.; Anderson, D.; Becker; Bellew; Beltz; Bosch; Brandenburg; Christensen; Cory; Damschen; Delzer; Devlin; Dockter; Ertelt; Fegley; Fisher; Hager; Hatlestad; Headland; Heinert; Hoverson; Howe; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Monson; Nathe; Nehring; Nelson, J.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

HB 1469 failed.

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**SECOND READING OF HOUSE BILL****HB 1352:** A BILL for an Act to provide for liability for medical products.**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 83 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Christensen; Ertelt; Hoverson; Magrum; Marschall; Paulson; Ruby, D.; Simons; Skroch; Toman

**NAYS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

Engrossed HB 1352 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1301:** A BILL for an Act to provide for limits on access to vaccination status and records; to create and enact a new section to chapter 32-03 and a new section to chapter 34-01 of the North Dakota Century Code, relating to civil immunity for communicable diseases and mandatory communicable disease immunizations; to provide a penalty; to provide for application; and to declare an emergency.

**REQUEST**

**REP. B. KOPPELMAN REQUESTED** that the House divide Engrossed HB 1301, which request was granted.

**DIVISION A:** Sections 1 and 5

**DIVISION B:** Sections 2,3,4, and 5

**ROLL CALL**

The question being on the final adoption of Division A of Engrossed HB 1301, the roll was called and there were 32 YEAS, 61 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Becker; Bellew; Christensen; Ertelt; Fisher; Hoverson; Jones; Kading; Kasper; Kempenich; Koppelman, B.; Louser; Magrum; Marschall; Paulson; Richter; Rohr; Ruby, M.; Satrom; Schatz; Schauer; Schmidt; Schobinger; Simons; Skroch; Steiner; Stemen; Thomas; Toman; Tveit; Vetter; Speaker Koppelman, K.

**NAYS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Karls; Keiser; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; O'Brien; Ostlie; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Ruby, D.; Sanford; Schneider; Schreiber-Beck; Strinden; Trottier; Vigesaa; Weisz; Westlind; Zubke

**ABSENT AND NOT VOTING:** Nelson, M.

Division A of Engrossed HB 1301 failed on a recorded roll call vote.

**ROLL CALL**

The question being on the final adoption of Division B of Engrossed HB 1301, the roll was called and there were 23 YEAS, 71 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Becker; Bellew; Christensen; Ertelt; Hoverson; Jones; Kading; Kasper; Koppelman, B.; Magrum; Marschall; Meier; Monson; Paulson; Rohr; Ruby, D.; Schatz; Schauer; Simons; Skroch; Steiner; Vetter; Speaker Koppelman, K.

**NAYS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Karls; Keiser; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; Mitskog; Mock; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vigesaa; Weisz; Westlind; Zubke

Division B of Engrossed HB 1301 failed on a recorded roll call vote.

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**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1097, HB 1098, HB 1129, HB 1137, HB 1168, HB 1197, HB 1277, HB 1329, HB 1334.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1286, HB 1338.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2048, SB 2111, SB 2205, SB 2244, SB 2251, SB 2308.

**MOTION**

**REP. LOUSER MOVED** that the absent members be excused, which motion prevailed on a voice vote.

**MOTION**

**REP. LOUSER MOVED** that the House be on the Fourth, Fifth, and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, February 5, 2021, which motion prevailed on a voice vote.

**REPORT OF STANDING COMMITTEE**

**HB 1088: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1088 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1123: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1123 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "section"

Page 1, line 12, replace "12.1-17-01.2" with "subdivisions f, g, and h of subsection 1 of section 29-06-15"

Page 1, line 14, after "arrest" insert "with or without a"

Page 1, line 17, after "subsection" insert "or the resident is subject to a pending unrelated criminal charge"

Page 1, line 18, after "3." insert "Upon posting cash bail in an amount established by a bail schedule or order of the magistrate, a nonresident of this state who is arrested for a misdemeanor offense may be released from custody before appearing before a magistrate.

4. A magistrate issuing an arrest warrant shall consider and may designate conditions upon which an individual arrested with a warrant may be released from custody with an order to appear before the magistrate at a designated time.

5."

Page 2, line 2, remove the overstrike over "~~or~~"

Page 2, line 2, remove the first underscored boldfaced comma

Page 2, line 2, remove ", or subject to presumptive probation"

Page 2, line 3, after "charge" insert "for a resident of this state"

Page 2, line 4, replace the first underscored comma with "or"

Page 2, line 4, remove ", or class C felony subject to presumptive probation under"

Page 2, line 5, remove "section 12.1-32-07.4"

Page 2, line 5, after the underscored period insert "A magistrate may direct the issuance of an arrest warrant for a resident involving offenses designated in subsection 2 of section 29-08-02. A magistrate authorizing a criminal charge for a nonresident may authorize the issuance of a summons or arrest warrant."

Page 2, line 6, overstrike "If the offense charged in a warrant of arrest is a misdemeanor"

Page 2, line 6, remove the underscored comma

Page 2, line 6, overstrike "infraction"

Page 2, line 8, remove ", or class C felony subject to presumptive probation"

Page 2, remove lines 9 and 10

Page 2, line 11, remove "unable to post bail may request to appear before a local magistrate. Upon"

Page 2, line 11, overstrike "request of"

Page 2, line 12, overstrike "the accused,"

Page 2, line 12, remove "the arresting officer"

Page 2, line 12, overstrike "shall take the accused before a magistrate in the"

Page 2, line 13, overstrike "county in which the arrest is made"

Page 2, line 13, remove "and the magistrate"

Page 2, line 13, overstrike "shall"

Page 2, line 14, remove "amend the"

Page 2, line 14, overstrike "bail"

Page 2, line 14, remove "of"

Page 2, line 14, overstrike "the accused accordingly. If there is no"

Page 2, line 15, overstrike "magistrate residing within the county"

Page 2, line 15, remove "where"

Page 2, line 15, overstrike "the accused is arrested"

Page 2, line 15, overstrike "and the"

Page 2, line 16, overstrike "accused"

Page 2, line 16, remove "has requested to appear before a local magistrate"

Page 2, line 16, overstrike ", the officer shall"

Page 2, overstrike lines 17

Page 2, line 18, overstrike "than the magistrate issuing the warrant, and said magistrate shall"

Page 2, line 19, remove "amend the"

Page 2, line 19, overstrike "bail"

Page 2, line 19, remove "of"

Page 2, line 19, overstrike "the accused accordingly." and insert immediately thereafter "A summons under this section must contain a conspicuous notice stating a failure to appear as designated in the summons will result in the arrest of the individual and upon arrest, the individual will not be released from custody unless otherwise ordered by the magistrate."

3. If an officer or other individual makes an arrest for which bail is not required, the officer or individual making the arrest shall take the individual before the nearest available magistrate as provided in rule 5 of the North Dakota Rules of Criminal Procedure.

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1138: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1138 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1162: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1162 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "permitting an organization conducting raffles in the state to sell raffle tickets"

Page 1, line 3, remove "online and to accept electronic payments for"

Page 1, line 18, remove the overstrike over "~~must~~"

Page 1, line 18, remove "may"

Page 1, line 18, remove the overstrike over "~~and drawings held onsite~~"

Page 1, line 18, remove "either"

Page 1, line 18, remove the overstrike over "~~and~~"

Page 1, line 18, remove "the event"

Page 1, remove line 19

Page 1, line 20, remove "must be held onsite at the location of and"

Page 1, line 20, after the period insert "Fifty-fifty raffles may not be conducted online over the internet."

Page 1, line 21, remove "Raffle tickets may be sold through a link to a central computer via a"

Page 1, remove line 22

Page 2, line 1, replace "5. An" with "A licensed"

Page 2, line 1, after "state" insert "may sell online over the internet and"

Page 2, line 2, remove "credit card or"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1164: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1164 was placed on the Sixth order on the calendar.

Page 1, line 18, remove "or that the attorney general determines to be unconstitutional under"

Page 1, line 19, remove "subsection 1"

Page 1, line 19, after "and" insert "has been found unconstitutional by a court of competent jurisdiction"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1176: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1176 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1177: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1177 was placed on the Sixth order on the calendar.

Page 1, line 7, after "12.1-27.2" insert "or who is participating in a drug court"

Page 1, line 9, replace "nine" with "fifteen"

Page 1, line 19, replace "thirty" with "forty-five"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1181: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1181 was placed on the Sixth order on the calendar.

Page 1, line 13, after "1." insert "\"Fitness to proceed\" means sufficient present ability to consult with the individual's counsel with a reasonable degree of rational understanding and a rational as well as factual understanding of the proceedings against the individual."

2."

Page 1, line 16, replace "2." with "3."

Page 1, remove lines 18 through 22

Page 2, remove lines 3 through 5

Page 2, line 6, replace "3." with "2."

Page 2, line 8, replace "4." with "3."

Page 3, line 12, replace "thirty" with "fifteen"

Page 3, line 18, replace "thirty" with "fifteen"

Page 4, line 24, after "of" insert "up to"

Page 5, line 2, remove "with prejudice"

Page 5, line 7, remove "with"

Page 5, line 8, remove "prejudice"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1196: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1196 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1227: Education Committee (Rep. Owens, Chairman)** recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1227 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1230: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1230 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike the first comma

Page 1, line 7, overstrike "or"

Page 1, line 8, remove "miniature horse"

Page 1, line 9, remove "or miniature horse"

Page 1, line 10, overstrike "or protection services"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1240: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1240 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1244: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1244 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1282: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1282 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "neutralization" with "nullification"

Page 1, line 7, replace "**neutralization**" with "**nullification**"

Page 1, line 8, after "1." insert "For purposes of this section, "nullify" means to restrict a state agency or political subdivision of the state or an individual employed by a state agency or political subdivision of the state from enforcing a federal law, regulation, or executive order."

2."

Page 1, line 8, replace "neutralization" with "nullification"

Page 1, line 9, after "president" insert "pro tempore"

Page 1, line 9, replace "president's" with "president pro tempore's"

Page 1, line 10, after "president" insert "pro tempore"

Page 1, line 16, replace "2." with "3."

Page 1, line 16, after "president" insert "pro tempore"

Page 1, line 18, replace "3." with "4."

Page 1, line 20, replace "4." with "5."

Page 1, line 21, replace "5." with "6."

Page 1, line 22, replace "neutralize" with "nullify"

Page 2, line 3, replace "6." with "7."

Page 2, line 5, replace "neutralize" with "nullify"

Page 2, line 7, replace "7." with "8."

Page 2, line 8, remove "Until the legislative"

Page 2, remove lines 9 through 11

Page 2, line 12, replace "8." with "9."

Page 2, line 13, replace "neutralize" with "nullify"

Page 2, line 16, replace "9." with "10."

Page 2, line 18, replace "union" with "a multistate compact"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1287: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1287 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1322: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1322 was placed on the

Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1369: Education Committee (Rep. Owens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1369 was placed on the Sixth order on the calendar.

Page 1, line 14, remove "Financial institution" means a bank, credit union, or savings and loan association"

Page 1, remove lines 15 and 16

Page 1, line 17, remove "5."

Page 1, line 19, replace "6." with "5."

Page 1, line 22, replace "7." with "6."

Page 1, line 23, replace "8." with "7."

Page 2, line 1, replace "9." with "8."

Page 2, line 3, after "funds" insert  ". from an approved vendor list as determined by the superintendent of public instruction"

Page 2, line 7, replace "for each" with "to pay qualified providers on behalf of a"

Page 2, line 8, remove  ". who may use the funds in the account only as permitted under"

Page 2, line 9, replace "this chapter" with "who is eligible for the program"

Page 2, line 10, remove "For each year of program participation by a program participant enrolled in public"

Page 2, remove lines 11 through 20

Page 2, line 21, remove "4."

Page 2, line 21, after "in" insert "public or"

Page 2, line 22, replace "fund the participant's account" with "disburse payments from the account as checks payable to the parents of an eligible student. The superintendent shall mail the checks to the qualifying school at which the eligible student is enrolled. The parent of the eligible student shall endorse the check before the check is deposited. The superintendent shall provide the parents"

Page 2, line 23, replace "that is" with "up to"

Page 2, line 24, replace "Seventy-five" with "Fifty"

Page 2, line 27, replace "Seventy-five" with "Fifty"

Page 3, line 1, replace "5." with "4."

Page 3, line 2, after "including" insert "nonpublic school."

Page 3, line 3, remove "A parent who signs an agreement with"

Page 3, remove lines 4 through 11

Page 3, line 12, replace "7." with "5."

Page 3, line 15, replace "8." with "6."

Page 3, remove lines 22 through 30

Page 4, line 1, replace "15.1-39-05" with "15.1-39-04"

Page 4, remove line 17

Page 4, line 20, remove "A qualified provider shall give a parent a receipt for each qualifying education expense"

Page 4, remove line 21

Page 4, line 22, remove "4."

Page 4, line 25, replace "15.1-39-06" with "15.1-39-05"

Page 5, line 7, replace "15.1-39-07" with "15.1-39-06"

Page 5, line 23, replace "15.1-39-08" with "15.1-39-07"

Page 5, line 26, remove "for each program"

Page 5, remove lines 27 through 30

Page 6, remove lines 1 through 8

Page 6, line 9, replace "market rates" with "as a qualified provider"

Page 6, line 10, replace "5." with "2."

Page 6, line 10, replace "an" with "the"

Page 6, line 12, replace "15.1-39-09" with "15.1-39-08"

Page 6, line 14, replace "shall" with "may"

Page 6, line 15, replace "chosen randomly" with ", as determined by the superintendent of public instruction. An audit may include verification of account information and a review of student attendance records"

Page 6, line 16, replace "15.1-39-10" with "15.1-39-09"

Page 6, line 17, replace "the account of" with "payment for"

Page 6, line 18, remove "or who"

Page 6, line 19, remove "commits a substantial misuse of program funds"

Page 6, line 20, replace "account" with "payment"

Page 6, line 20, remove "and no further"

Page 6, line 21, remove "transactions are allowed on or disbursements made from the account"

Page 6, line 25, replace "closure of the suspended account and declare the program" with "suspension of payment to the qualified provider for the"

Page 6, line 27, replace "account" with "payment"

Page 6, line 29, replace "account" with "payments"

Page 6, line 30, replace "15.1-39-11" with "15.1-39-10"

Page 7, line 6, replace "15.1-39-12" with "15.1-39-11"

Page 7, line 7, remove "an"

Page 7, line 8, replace "account" with "payments"

Page 7, line 10, replace "15.1-39-13" with "15.1-39-12"

Page 7, line 20, replace "15.1-39-14" with "15.1-39-13"

Page 7, line 26, replace "15.1-39-15" with "15.1-39-14"

Page 8, line 1, replace "15.1-39-16" with "15.1-39-15"

Page 8, line 4, replace "15.1-39-17" with "15.1-39-16"

Page 8, line 14, replace "accounts of nonpublic school" with "program"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1385: Judiciary Committee (Rep. Klemin, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1385 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1386: Industry, Business and Labor Committee (Rep. Lefor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1386 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapters 40-01 and 54-06 of the North Dakota Century Code, relating to prohibition of governmental limitations on hours of business and capacity.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new section to chapter 40-01 of the North Dakota Century Code is created and enacted as follows:

##### Prohibition on limiting hours of operation and capacity.

1. A political subdivision, including a local health department or officer, may not limit or otherwise regulate the hours of operation or capacity of a private business or other nongovernmental entity, including a sole proprietorship or association, regardless of whether the entity is declared to be essential or nonessential, except to the extent:
  - a. Either:
    - (1) The hours or capacity are expressly set by a state law, federal law, or federal regulation;
    - (2) A state law, federal law, or federal regulation expressly specifies the number of hours the entity must be available to provide services or the number of patrons who physically may be present on the entity's premises; or
    - (3) A state law expressly authorizes a state agency to limit or otherwise regulate the hours or capacity; and
  - b. If the relevant provision in subdivision a is a state law, state law expressly authorizes the political subdivision to enforce the state law.
2. A rule, ordinance, or other policy that is inconsistent with this section is void.

**SECTION 2.** A new section to chapter 54-06 of the North Dakota Century Code is created and enacted as follows:

**Prohibition on limiting hours of operation and capacity.**

1. A state agency may not limit or otherwise regulate the hours of operation or capacity of a private business or other nongovernmental entity, including a sole proprietorship or association, regardless of whether the entity is declared to be essential or nonessential, except to the extent:
  - a. The hours or capacity limits are expressly set by a state law, federal law, or federal regulation;
  - b. A state law, federal law, or federal regulation expressly specifies the number of hours the entity must be available to provide services or the number of patrons who physically may be present on the entity's premises; or
  - c. A state law expressly authorizes the state agency to limit or otherwise regulate the hours or capacity.
2. An executive order issued under section 37-17.1-05 and any other executive order issued by the governor, an administrative rule of the state department of health, and an order of the state health officer are subject to this section.
3. An administrative rule or an executive order that is inconsistent with this section is void."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1388: Education Committee (Rep. Owens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1388 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "15.1-01-04,"

Page 1, line 1, after "15.1-27-03.2" insert a comma

Page 1, line 2, after the first "to" insert "membership of the kindergarten through grade twelve education coordination council,"

Page 1, line 2, after "factors" insert a comma

Page 1, line 3, after "rates" insert "; and to provide an appropriation"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 15.1-01-04 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-01-04. Kindergarten through grade twelve education coordination council.**

1. The state board of public school education shall oversee the creation and ongoing operation of the kindergarten through grade twelve education coordination council.
2. The council consists of:
  - a. Three members of the legislative assembly, one member of the majority party from each chamber of the legislative assembly, selected by the respective majority leader of the chamber, and one

member of the minority party selected through collaboration between the respective minority leaders of each chamber;

- b. The governor or the governor's designee;
  - c. The superintendent of public instruction or the superintendent's designee;
  - d. The president of the state board for career and technical education or the president's designee;
  - e. The president of the board of the North Dakota council of educational leaders or the president's designee;
  - f. The president of the board of North Dakota united or the president's designee;
  - g. The president of the board of the North Dakota school boards association or the president's designee;
  - h. The president of the board of the North Dakota small organized schools or the president's designee;
  - i. The president of the board of the North Dakota school counselor association or the president's designee; ~~and~~
  - j. The president of the North Dakota special education study council or the president's designee;
  - k. The president of the North Dakota regional education association or the president's designee; and
  - l. The following gubernatorial appointees:
    - (1) An individual representing the statewide longitudinal data system committee;
    - (2) An individual representing a tribal school; and
    - (3) ~~An individual employed as a public school administrator;~~
    - (4) ~~An individual employed as a public school principal;~~
    - (5) An individual employed as a public school teacher;
    - (6) ~~A director of a special education unit; and~~
    - (7) ~~A director of a regional education association.~~
3. The term of office for a member appointed by the governor is four years. The governor may stagger the initial appointments to the council so no more than three members' terms expire in any year.
  4. The council shall select a presiding officer annually from among its members.
  5. A member of the council who is a member of the legislative assembly is entitled to receive per diem compensation at the rate provided under section 54-35-10 for each day performing official duties of the council and to reimbursement for travel and expenses as provided by law, to be paid by the legislative council. A member of the council who is not a state employee is entitled to receive as compensation sixty-two dollars and fifty cents per day and to reimbursement of expenses as provided by law for state officers while attending meetings of the council, to be paid by the state board of public school education. A state employee who is a

- member of the council is entitled to receive that employee's regular salary and is entitled to reimbursement for mileage and expenses, to be paid by the employing agency.
6. The council may hire an executive director.
  7. The council shall:
    - a. Assist in the implementation, dissemination, and communication of the statewide strategic vision and evaluate progress toward meeting the identified goals and strategies.
    - b. Perform a continuous review of the effectiveness and efficiency of access and delivery of education services and programs in the state.
    - c. Identify opportunities for increased collaboration among state education entities and stakeholders.
    - d. Identify gaps or duplications in education services and programs and provide recommendations for addressing those gaps or duplications.
    - e. Study and evaluate new and emerging educational initiatives and trends and provide recommendations for policy changes to state entities or the legislative assembly if necessary.
    - f. Support the implementation, dissemination, and communication of local or regional educational initiatives and practices, including innovative education programs, on a statewide level.
    - g. ~~Establish a one-stop communication and~~ Coordinate and communicate information ~~hub~~ available on state websites to provide the public and interested parties with seamless access to state entities that deliver education services and programs.
    - h. Develop and utilize subcommittees as needed.
    - i. Seek advice and input from interested parties not appointed to the council as needed.
  8. The council shall meet at least four times per calendar year.
  9. The council shall prepare and present an annual report of council activities to the state board of public school education and to the legislative management."

Page 13, line 20, overstrike "2018" and insert immediately thereafter "2020"

Page 13, line 21, overstrike "2018" and insert immediately thereafter "2020"

Page 20, line 20, overstrike "2018" and insert immediately thereafter "2020"

Page 20, line 21, overstrike "2018" and insert immediately thereafter "2020"

Page 21, after line 7, insert:

**"SECTION 4. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$260,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing funding for the operations of the kindergarten through grade twelve education coordination council, for the biennium beginning July 1, 2021, and ending June 30, 2023."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1396: Industry, Business and Labor Committee (Rep. Lefor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1396 was placed on the Sixth order on the calendar.

Page 1, line 2, after "for" insert "firearm or"

Page 1, line 6, after "**for**" insert "**a firearm or**"

Page 1, line 7, replace "An" with "A firearm or"

Page 1, line 10, replace "An" with "A firearm or"

Page 1, line 13, replace "an" with "a firearm or"

Page 1, line 18, replace "An" with "A firearm or"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1432: Education Committee (Rep. Owens, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1432 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1438: Industry, Business and Labor Committee (Rep. Lefor, Chairman)** recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1438 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1491: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1491 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3007: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HCR 3007 was placed on the Eleventh order on the calendar.

**FIRST READING OF HOUSE BILL**

Reps. Mock, D. Ruby, Boschee and Sens. Clemens, Dwyer introduced:  
(Approved by the Delayed Bills Committee)

**HB 1502:** A BILL for an Act to create and enact a new subsection to section 39-04-37, a new subdivision to subsection 2 of section 39-06.1-06, and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the amount of statutory fees, entries against driving record, and moving violations; to amend and reenact section 39-04-55, subsections 2 and 4 of section 39-05-17, section 39-06-16, subdivision f of subsection 2 of section 39-06.1-06, subsection 1 of section 39-06.1-08, section 39-06.1-09, subsection 2 of section 39-10-26, subsections 1 and 2 of section 39-10-38, and section 39-21-15 of the North Dakota Century Code, relating to the amount of statutory fees and moving violations; and to provide a penalty.

Was read the first time and referred to the **Transportation Committee**.

The House stood adjourned pursuant to Representative Louser's motion.

**Buell J. Reich, Chief Clerk**